

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Angel Riddle	Team: Squad #5	CCRB Case #: 201910380	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 11/16/2019 10:12 PM	Location of Incident: 517 Lexington Avenue	Precinct: 79	18 Mo. SOL 5/16/2021	EO SOL 12/31/2021	
Date/Time CV Reported Mon, 12/02/2019 11:15 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 12/02/2019 11:15 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Emilio Ortega	06216	916969	079 PCT
2. POM Rodney Hale	24629	933826	079 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SSA Dawana Castro	01721	936321	PBQ/S

Officer(s)	Allegation	Investigator Recommendation
A.POM Emilio Ortega	Abuse: Police Officer Emilio Ortega refused to provide his name to § 87(2)(b)	
B.POM Emilio Ortega	Abuse: Police Officer Emilio Ortega refused to provide his shield number to § 87(2)(b)	
C.POM Rodney Hale	Abuse: Police Officer Rodney Hale refused to provide his name to § 87(2)(b)	
D.POM Rodney Hale	Abuse: Police Officer Rodney Hale refused to provide his shield number to § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		

Case Summary

On an unknown date, § 87(2)(b) filed the following complaint with IAB. The CCRB received the complaint on December 2, 2019.

On November 16, 2019, at approximately 10:12 p.m., in the vicinity of 517 Lexington Avenue in Brooklyn, § 87(2)(b) called 911 to report that a group of women had been harassing her. Police Officer Rodney Hale and Police Officer Emilio Ortega, both of the 79th Precinct, responded to the scene. PO Ortega and PO Hale allegedly refused to provide their names and shield numbers to § 87(2)(b) (Allegations A-D: Abuse of Authority, § 87(2)(g)). § 87(4-b) § 87(2)(g)

The investigation did not obtain video footage related to this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Emilio Ortega refused to provide his name to § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Emilio Ortega refused to provide his shield number to § 87(2)(b)

Allegation (C) Abuse of Authority: Police Officer Rodney Hale refused to provide his to § 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Rodney Hale refused to provide his to § 87(2)(b)

§ 87(2)(b) recounted in her phone statement and in her in-person interview that one of the officers called her briefly to notify her that they had arrived on scene, and that she then spoke to PO Ortega and PO Hale in person from the driver's seat of her vehicle (BR01-02). Over the course of approximately 30 minutes, the officers shuttled between speaking to her and speaking to the group of women with whom she had a dispute. Near the conclusion of the interaction, the officers told § 87(2)(b) that the incident was not a police matter and that she should not have called 911. At that point, § 87(2)(b) requested their names and shield numbers. Both PO Ortega and PO Hale verbally refused to provide their names and shield numbers, and both said they would not do so because the incident was not a police matter. PO Ortega and PO Hale also turned their bodies away from § 87(2)(b) such that she could not see their nameplates.

§ 87(2)(b) was one of the women involved in the dispute with § 87(2)(b) and she was present in her vehicle at the incident location when the officers arrived (BR03). She recounted briefly speaking with the officers, and seeing them speaking to § 87(2)(b) at her vehicle. She was unable to hear the substance of § 87(2)(b) conversation with the officers, § 87(2)(g)

The other women involved in the dispute were also positioned inside separate vehicles at the time of § 87(2)(b) conversation with the officers, § 87(2)(g)

PO Ortega and PO Hale both denied that they refused to provide their names and shield numbers to § 87(2)(b) and both denied that they moved their bodies in order to hide their nameplates from view (BR04-05). They confirmed that they spoke to § 87(2)(b) multiple times at her vehicle while on scene, and PO Ortega confirmed that he was the officer who called § 87(2)(b) to ask her to meet them once they had arrived on scene. PO Ortega could not recall if § 87(2)(b) requested his or PO Hale's name and shield number, but he affirmed that he typically provides his name and shield

number upon request. He also noted that he typically introduces himself by name over the phone when he calls a civilian who has called 911, but he could not recall specifically if he did so when speaking to § 87(2)(b) PO Hale similarly could not recall if § 87(2)(b) ever requested his name and shield number, but affirmed that he typically provides such information even during situations which are not police matters.

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR07).
- PO Ortega has been a member of service for 24 years and has been a subject in 17 CCRB complaints and 27 allegations, six of which were substantiated:
 - #201405942 involved substantiated allegations of physical force, vehicle stop, and vehicle search again PO Ortega. The Board recommended Charges, the NYPD imposed Charges, and he forfeited seven vacation days.
 - #201407876 involved a substantiated allegation of refusal to process civilian complaint against PO Ortega. The Board recommended Command Discipline “B,” and the NYPD imposed Command Discipline “A.”
 - #201606983 involved substantiated allegations of physical force and refusal to provide name and shield number against PO Ortega. The Board recommended Command Discipline “A.” The Deputy Commissioner of Trials found PO Ortega not guilty of the

- physical force allegation and guilty of the refusal to provide name and shield number, and he forfeited one vacation day.
 - PO Ortega has been the subject of refusal to provide name and/or shield allegations in four previous cases. Case #201606983 is detailed above. Cases #200205146 and #200303968 were closed as unsubstantiated, and case #201808975 was closed as complainant uncooperative.
- PO Hale has been a member of service for 16 years and has been a subject in five CCRB complaints and seven allegations, none of which was substantiated:
 - PO Hale has been the subject of refusal to provide name and/or shield allegations in two previous cases. Case #200708773 was closed as unsubstantiated, and case #201808975 was closed as complainant uncooperative.
 - In case #201407876, the investigation found evidence indicating that PO Hale provided a false official statement.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On March 13, 2020, the undersigned requested a copy of any Notice of Claim filed regarding the incident from the NYC Comptroller's office. As of the date of this report, no response has been received. The response will be added to the case file upon receipt (BR08).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
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Squad No.: 5

Investigator:	<u>DG</u> Signature	<u>IM Giansante for Inv. Riddle</u> Print Title & Name	<u>April 16, 2020</u> Date
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Squad Leader:	<u>Daniel Giansante</u> Signature	<u>IM Daniel Giansante</u> Print Title & Name	<u>April 16, 2020</u> Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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